

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILSON FERRERA,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

14-CV-04657 (FB) (LB)

TIRE SHOP CENTER and LEOMARES  
LUNA, individually,

Defendants.

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*Appearances:*

*For the Plaintiff:*

JODI JILL JAFFE

Jaffee Glenn Law Group, P.A.

Lawrence Office Park

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Lawrenceville, NJ 08648

**BLOCK, Senior District Judge:**

On April 6, 2015, Magistrate Judge Lois Bloom issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for a default judgment be denied. R&R at 9. The R&R further recommended that Plaintiff be allowed 30 days’ leave to file an amended complaint. *Id.* The R&R provided that failure to object within fourteen days of receipt would preclude appellate review. *Id.* To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario*

*v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
June 8, 2015